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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/643,839	08/19/2003	Keith W. Rosenau	85939.000677	4904
23387	7590	09/21/2005	EXAMINER	
Stephen B. Salai, Esq. Harter, Secrest & Emery LLP 1600 Bausch & Lomb Place Rochester, NY 14604-2711			HA, NGUYEN T	
			ART UNIT	PAPER NUMBER
			2831	

DATE MAILED: 09/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b> 10/643,839	<b>Applicant(s)</b> ROSENAU, KEITH W.	
	<b>Examiner</b> Nguyen T Ha	<b>Art Unit</b> 2831	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 JUNE 2005
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-37 is/are pending in the application.  
4a) Of the above claim(s) 4-6, 21 and 22 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15-28 and 31-37 is/are allowed.
- 6) ☒ Claim(s) 1-3, 7, 8, 12-14, 29 and 30 is/are rejected.
- 7) ☒ Claim(s) 9-11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>0905</u> | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments with respect to claims 1-3, 7-8, 12-14 and 29-30 have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, 7-8, 12-14 and 29-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Thoma (US 5,177,662).

Regarding claim 1, Thoma discloses a sensor (10) comprising:

- an elongate first conductor (12);
- an elongate second conductor (13); and
- a non-conductive web/dielectric (11) intermediate the first polymeric conductor and the second polymeric conductor to maintain a substantially fixed separation distance between the first and the second polymeric conductor (figure 1).

Regarding claim 2, Thoma discloses at least one of the first and the second polymeric conductors has one of a rectangular (figure 1).

Regarding claim 3, Thoma discloses the first and the second polymeric conductors are directly bonded to the non-conductive web (figure 1).

Regarding claim 7, Thoma discloses the first polymeric conductor and the second polymeric conductor are embedded in a non-conductive polymer (figure 1).

Regarding claim 8, Thoma discloses a non-conductive web provides a maximum and minimum separation of the first and second polymeric conductors (figure 1).

Regarding claim 12, Thoma further discloses a non-conductive body embedding the first and second polymeric conductors (figure 1).

Regarding claim 13, Thoma disclose the non conductive body has one of a rectangular (figure 1)

Regarding claim 14, Thoma discloses the non-conductive body is integral with the web (figure 2).

Regarding claim 29, Thoma discloses a capacitive sensor (21), comprising a conductor (24) embedded within a non-conductive polymeric body (22), a cross sectional periphery of the polymeric conductor substantially defined by the body (figure 2).

Regarding claim 30, Thoma discloses the polymeric body defines at least a portion of a weather-seal (figure 2).

***Allowable Subject Matter***

4. Claims 9-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

With respect to claims 9-11, the prior art alone or in combination does not teach the limitation of a sensor further comprising a secondary conductor in at least one of the first polymeric conductor and the second polymeric conductor.

5. Claims 15-20, 23-28 and 31-37 are allowed.

The following is an examiner's statement of reasons for allowance:

With respect to claims 15-20, and 23-28 the prior art alone or in combination does not teach the limitation of an elongate capacitive sensor for installation about an opening in a motor vehicle, the opening having at least one corner, the sensor comprising:

- a one-piece extruded non conducting body; and
- the body configured to substantially maintain a nominal separation distance between the first polymeric conductor and the second polymeric conductor after installation about the corner.

With respect to claims 31-33, the prior art alone or in combination does not teach the limitation of a method manufacturing a capacitive sensor for installation about a motor vehicle opening having at least one corner, the method comprising steps of forming a web configured to substantially maintain the separation distance upon installation about the corner.

With respect to claims 34-37, the prior art alone or in combination does not teach the limitation of a capacitive sensor comprising: a web and first and second polymeric conductor defining a radius of curvature and the web maintaining a substantially fixed separation distance between the first and the second polymeric conductor along the radius of curvature.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nguyen T. Ha whose telephone number is 571-272-1974. The examiner can normally be reached on Monday-Friday from 8:30AM to 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean Reichard can be reached on 571-272-2800 ext. 31. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Nguyen T. Ha', with a stylized, cursive script.

**Nguyen T. Ha**  
**September 10, 2005**